

Atty. Dkt. No. K01-001
(formerly 0002.US00)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 76, 103 and 105 are currently being amended.

Claims 73, 74, 95 and 96 are requested to be canceled without prejudice or disclaimer.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 58-72, 75-94 and 97-107 are now pending in this application.

Applicant appreciates the courtesy extended by the Examiner during the interview conducted on April 11, 2006. A Statement of Substance of Interview is submitted herewith.

Alleged New Matter

The Office Action alleged the introduction of new matter in the amendment filed on December 16, 2005. As discussed during the Interview of April 11, 2006, support for the alleged new matter is found in the original disclosure. Specifically, support for "receiving ... from a donor" can be found in paragraph [0053] of the present application. Further, support for "updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors" can be found in paragraph [0051] of U.S. Patent Application Serial No. 09/740,761, filed December 12, 2000, and incorporated by reference in paragraph [0004] of the present application. Thus, no new matter has been introduced.

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Double Patenting Rejection

Claims 58-107 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-114 of copending Application No. 09/740,761. If necessary, Applicant will file a terminal disclaimer upon allowance of any claims in the pending application.

Claim Objections

Claims 59, 73, 74, 83, 95 and 96 were objected to as being of improper dependent form. As to canceled claims 73, 74, 95 and 96, the objection is moot. Claims 59 and 83 each recite providing "information about one or more teams", a feature which further limits the respective independent claim. Accordingly, the objection should be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 58, 76 and 103-105 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant disagrees with the rejection because one of skill would readily understand the scope of the claims, but Applicant has amended the claims to expedite prosecution. Accordingly, the rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 103 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0049816 to Costin, IV et al. (hereinafter "Costin"). Claim 104 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Costin in view of the Smith et al. article (hereinafter "Smith"). Claim 105 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Costin in view of BT article (hereinafter "the BT article") or Leukaemia Busters article (hereinafter "the Leukaemia article") or Smith. Further, claims 58-102 were

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rejected under 35 U.S.C. § 103(a) as being unpatentable over Costin in view of Smith and the BT article or the Leukemia article. As to canceled claims 73, 74, 95 and 96, the rejection is moot. Applicant respectfully traverses the rejection of claims 58-72, 75-94 and 97-105 for at least the following reasons.

As noted in an earlier paper, some embodiments of the present invention allow a donor to make a charitable contribution through the personal donation page. Thus, an email from the solicitor, for example, may include a link to the solicitor's personal donation page. The potential donor may follow the link to the personal donation page, from where the potential donor may make the charitable contribution. This is most clearly illustrated in Figure 9 of U.S. Patent Application Serial No. 09/740,761 (hereinafter "the '761 Application"), which is incorporated by reference into the present application. This feature provides a substantial advantage: being solicited for a donation on the personal donation page of the solicitor (who is likely a friend or family member), the potential donor is more likely to make a charitable contribution. Accordingly, independent claims 58, 82, 102 and 103 each recite "receiving a charitable contribution ... via the personal donation page."

The Office Action cites Costin as disclosing this feature of the present invention. As acknowledged by the Examiner in the Interview Summary of the Interview of April 11, 2006, Costin fails to teach or suggest this feature. Rather, Costin requires potential donors to proceed to the main campaign page to make a contribution, resulting in a less personal donation process. None of the other cited references teach or suggest this feature. Accordingly, claims 58, 82, 102 and 103 are patentable.

Evidence of Secondary Considerations of Nonobviousness

Applicants also submit evidence of secondary considerations of nonobviousness in accordance with M.P.E.P. §§ 716.01 and 716.03. As set forth in *Graham v. John Deere*, 383 U.S. 1 (1966), one of the factual inquiries to be considered in determining obviousness is evidence of secondary considerations, such as commercial success, unexpected results, long-felt

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need, failure of others, copying by others, licensing, and skepticism of experts. M.P.E.P. § 2141. Evidence of secondary considerations must be considered by the Examiner in determining the issue of obviousness. M.P.E.P. § 716.01(a).

In support of the nonobviousness of the claimed invention, Applicants submit herewith, as Exhibit A, an article from onphilanthropy.com describing the Salvation Army's acclaim for and the success and unexpected results achieved with assignee Kintera's "Friends Asking Friends" innovation, an embodiment of the pending claims:

"In September of 2002, Kintera presented their online technology, including the 'Friends Asking Friends' innovation to Salvation Army staff, who immediately recognized its potential The idea behind Ring2Help is that it allows a donor to become a 'Virtual Bell Ringer.' It is this person's task to ask his or her friends and family members for a donation [T]he real success of the program was uncovered after studying the numbers. Specifically, 69% of the individual that contributed to the program were new donors to The Army. A quick look at these new donors shows that the program attracted an entirely new demographic to the organization."

Thus, the article clearly establishes that this "innovation" was a "real success" that "was uncovered after studying the numbers," and "emphasize[s] that the fundraisers who sent out multiple emails to their friends and family had the most success." The evidence from an independent third party confirms the nonobviousness of the presently claimed invention.

Conclusion

Thus, independent claims 58, 82, 102 and 103 are patentable for at least the foregoing reasons. Claims 59-81 and 106 depend, either directly or indirectly, from allowable claim 58 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 83-101 and 107 depend, either directly or indirectly, from allowable claim 82 and are, therefore, patentable for at least that

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reason. Claims 104 and 105 depend directly from allowable claim 103 and are, therefore, patentable, for at least that reason.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-1674. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1674. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-1674.

Respectfully submitted,

Date April 19, 2006

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EXHIBIT A



Articles by Topic

Fundraising
Marketing
Current Issues
Government Relations
Corporate Giving
Foundations
Technology/Media

Articles by Type

Profiles/Interviews



Articles by Contributor

Elizabeth A. Amery



Articles by Date

From:

Jan 2006

To:

Jan 2006



**The Zen of Fundraising: 89
Timeless Ideas to
Strengthen and Develop
Your Donor Relationships**
Ken Burnett

ISBN: 0-7879-8314-4
Paperback
176 pages
April 2006, Jossey-Bass

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Jumping into the Deep End of the Internet Pool

By: Wes McKinney, 04/10/03

The Salvation Army is most widely known for summer camp, Christmas programs and social services. It is not an organization celebrated for its cutting edge development department. In fact, fundraising oftentimes takes a back seat to the Army's mission of meeting the spiritual and social service needs of the community.

Over the years, The Salvation Army's development departments have watched-not that quietly-as The Army ignored many innovative development opportunities. While the organization has demonstrated great powers of adaptation in social service programming, it has shown a reluctance to exercise the same flexibility in fundraising. The Army will tailor social service programs to fit a community's needs almost on a daily basis; yet, it has been hesitant to alter its fundraising methods. Many a fundraising idea has been dismissed with the oft-quoted phrase, "If it's not broke, don't fix it."

The problem with that outlook, of course, is that an organization must modernize its fundraising methods as the world changes. The Greek philosopher Heraclitus once stated, "A man cannot enter the same river twice." Any group that does not stay in touch with the transforming world will wake up someday without a database of supporters.

An institution must stay alert to the way its donors should be approached if they want to survive. Armed with this knowledge, the Army's chapters in Georgia, Texas and the National Capital Division of the Southern Territory piloted an Internet fundraising system over the Christmas holiday. In September of 2002, Kintera presented their online technology, including the "Friends Asking Friends" innovation, to Salvation Army staff, who immediately recognized its potential.

The "Friends Asking Friends" concept of online grassroots marketing was perfect for The Army. Since 1891, The Salvation Army has asked service clubs, churches, businesses and individuals to ring bells at the red kettles which have now become synonymous with the Army itself. Kintera's technology extended this concept to the World Wide Web. The idea behind Ring2Help is that it allows a donor to become a "Virtual Bell Ringer." It is this person's task to ask his or her friends and family members for a donation, and then to invite them to join as a virtual bell ringer, too.

The initial Ring2Help campaign ran from November 2002 until January of 2003 and raised \$44,511.00. However, the real success of the program was uncovered after studying the numbers. Specifically, 69% of the individuals that contributed to the program were new donors to The Army. A quick look at these new donors shows that the program attracted an entirely new demographic to the organization. The average gift was over \$60. In addition, individuals already on the donor base that

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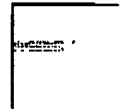
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participated in the virtual kettle campaign upgraded their gifts by 33% compared to the previous year.

With these successes, however, comes the inevitable recognition that there are some things that could have been handled differently. The following is a quick summary of what we did well, and what we can improve upon in the future.

What we did right

1. Chose an Internet partner (i.e. Kintera) that was willing to hold our hands through the entire process.
2. Distributed the information about Ring2Help to our top 2,000 donors.
3. Contacted the media and provided them with information about the program.
4. Physically distributed brochures about the program at our red kettle locations throughout the city.

What we will improve

1. We had only thirty days from the time the virtual campaign was envisioned until we had to launch it for the Christmas season. It takes more than one month to spread the word on such a monumental change in an organization's fundraising methods.
2. In the future, we plan to place information about Ring2Help in all direct marketing material starting 30-60 days before the program begins.
3. The healthy competition featured online between fundraisers will be highlighted and promoted. In many ways, the competition makes the event fun for the people involved and helps to generate more funds.
4. We hope that individuals will personalize their pages. With the easy-to-use Internet tools we provide our virtual bell ringers, they can post pictures, write stories and share their message about the reason they are helping The Salvation Army.
5. Finally, we will emphasize that the fundraisers who sent out multiple emails to their friends and family had the most success.

Every year thousands of children learn how to swim at various Salvation Army summer camps. Each child begins this process with fear and slowly moves from treading water to learning how to swim. The culmination of this process is when a new swimmer is able to jump into the deep end of the pool. Just like a young swimmer, the Ring2Help campaign in 2002 was a learning experience for The Salvation Army. Fortunately, because of the success of the initiative, in 2003 The Army plans to jump into the Internet pool and make this a national program.

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About The Author:

Wes McKinney has led fundraising programs within The Salvation Army and was selected in 2002 to serve on a committee to study and oversee direct mail for The Salvation Army's Southern Territory.

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